

ORDINANCE NO. 2009-22

RECEIVED
JUL 28 2009

AN ORDINANCE providing for the submission to the qualified electors of the City of Wenatchee at an election to be held on November 3, 2009, of a proposition authorizing the City to issue its general obligation bonds in the aggregate principal amount of not to exceed \$11,745,000 for the purpose of providing funds to acquire land and construct a new headquarter fire station and training site, including furniture, fixtures and equipment. CHELAN COUNTY ELECTIONS

WHEREAS, the City of Wenatchee (the "City") is in need of a new headquarter fire station and training facility, including furniture, fixtures and equipment, in order to provide the residents and property owners within the City with adequate fire protection facilities; and

WHEREAS, to provide financing for such acquisition, construction, renovation and equipment it is deemed necessary and advisable that the City issue and sell its unlimited tax levy general obligation bonds in the principal amount of not to exceed \$11,745,000 (the "Bonds"); and

WHEREAS, the constitution and laws of the State of Washington provide that the question of whether or not the City may issue such bonds be submitted to the qualified electors of the City for their ratification or rejection;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE, DO
ORDAIN AS FOLLOWS:

Section 1. Findings; Acquisition, Construction, Renovation and Equipping of Project.

The City Council hereby finds that the best interests of the inhabitants of the City require the City to:

- acquire land for a new headquarter fire station; and

- construct, furnish and equip a new headquarter fire station with a training facility in the north end of the City

(collectively, the "Project"). The estimated cost of the Project, including the costs of issuing and selling the Bonds as provided in this ordinance, is estimated to be \$11,745,000. The Project shall include all costs of acquisition, construction, and development of the site and facilities described above, including all furniture and equipment, landscaping, architectural planning, engineering, legal, financing and other services lawfully incurred incidental to the development of the Project and to the proposed bonds.

The City Council shall, consistent with the purposes and provisions of this ordinance, determine the extent of the Project and approve the plans and specifications for and timing of construction of any of the improvements or developmental work to be performed as part of the Project, and the Project shall be accomplished in such stages as may be determined by the City Council. The City Council shall have the discretion to make such changes in the general plans for the Project either before or during construction as they shall deem necessary or appropriate. If the City Council shall determine that it has become impractical to substantially accomplish any portion of the Project by reason of changed conditions or increased costs, the City Council shall not be required to accomplish such portion of the Project. If all of the Project has been constructed or acquired or duly provided for, or found to be impractical, the City may apply the bond proceeds or any portion thereof to other public safety capital improvements or to the redemption of the Bonds as the Council in its discretion, shall determine.

Section 2. Authorization of Bonds. For the purpose of providing the funds necessary to pay the costs of the Project, together with incidental costs and costs related to the sale and issuance of the Bonds, the City shall issue and sell its general obligation bonds in the aggregate principal amount of not to exceed \$11,745,000. The Bonds shall be issued in an amount not

exceeding the amount approved by the electors of the City and not exceeding the amount permitted by the constitution and laws of the State of Washington. The balance, if any, of the cost of the Project shall be paid out of any other legally available funds. The Bond proceeds shall not be used for the replacement of equipment or for other than a capital purpose.

The Bonds shall be issued in such amounts and at such time or times as found necessary and advisable by the City Council and as permitted by law. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates authorized by the City Council. The Bonds shall mature in such amounts and at such times within a maximum term of 20 years from date of issue, all as authorized by the City Council and as provided by law. The Bonds shall be general obligations of the City and, unless paid from other sources, both principal of and interest on the Bonds shall be payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitation. The exact date, form, terms, options of redemption, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the City Council. After voter approval of the Bond proposition and in anticipation of the issuance of such Bonds, the City may issue short-term obligations as authorized by chapter 39.50 RCW.

Section 3. Bond Election. It is hereby found and declared that the best interests of the City require the submission to the qualified electors of the City of a proposition authorizing the City to issue Bonds for the purposes of acquiring, constructing, renovating and equipping the Project, at an election to be held on November 3, 2009. The Chelan County Auditor as *ex officio* supervisor of elections is hereby requested to call and conduct the general election to be held

within the City and to submit to the qualified electors of the City the proposition hereinafter set forth.

The City Clerk is hereby authorized and directed, not less than 84 days prior to such election date, to certify the proposition to the Chelan County Auditor in substantially the following form:

CITY OF WENATCHEE

PROPOSITION NO. 1

WENATCHEE FIRE FACILITIES BONDS - \$11,745,000

The City Council of the City of Wenatchee passed Ordinance No. 2009-22 concerning financing construction of a new fire headquarters and related improvements. If approved, this proposition would authorize the City to issue not more than \$11,745,000 of general obligation bonds (maturing within 20 years or less) to acquire land and construct a new headquarter fire station and training site, including furniture, fixtures and equipment, and levy property taxes annually in addition to regular tax levies to repay such bonds, all as provided in the ordinance. Should this proposition be approved?

Yes ☐

No..... ☐

Certification of such proposition by the City Clerk to the Chelan County Auditor, in accordance with law, prior to the date of such election, and any other acts consistent with the authority, and prior to the effective date, of this ordinance, are hereby ratified. For purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the City Council hereby designates the City Attorney, Steve Smith (steves@jgwslaw.com, 509-663-0031) and the City's bond counsel, Nancy Neraas (neran@foster.com, 206-447-6277) as the persons to whom such notice shall be provided.

Section 4. Severability. In the event that any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance or the Bonds, but this ordinance and the Bonds shall be construed and enforced as if such invalid provision had not been contained herein; provided, however, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 5. Intent to Reimburse. The City Council declares that to the extent that the City makes capital expenditures for the Project, prior to the date the Bonds or other short term obligations are issued to finance the Project, from funds that are not (and are not reasonably expected to be) reserved, allocated on a long-term basis or otherwise set aside by the City under its existing and reasonably foreseeable budgetary and financial circumstances to finance the Project, those capital expenditures are intended to be reimbursed out of proceeds of the Bonds or other short term obligations issued in an amount not to exceed the principal amount of the Bonds provided by this ordinance.

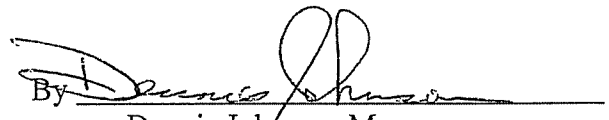
Section 6. Authorizations. The proper City officials are authorized to perform such duties as are necessary or required by law to the end that the question of whether or not bonds shall be issued, as provided in this resolution, shall be submitted to the voters of the City at the November 3, 2009 election. If the City receives voter approval to issue the Bonds in the manner described in this resolution, the Mayor is authorized to: (a) review and “deem final” (within the meaning of Rule 15c2-12 of the Securities and Exchange Commission), if necessary and upon such official’s satisfaction, any preliminary official statement prepared in connection with the sale of the Bonds by the City; (b) authorize the “deemed final” preliminary official statement to be distributed prior to the date any underwriter or purchaser bids for, purchases, offers or sells

the Bonds; and (c) acknowledge in writing any action taken pursuant to clauses (a) and (b) of this paragraph. All actions taken prior to the effective date of this resolution and in furtherance of these objectives are hereby ratified and confirmed.


Section 7. Effective Date. This ordinance shall become effective five days after its passage and publication as required by law.

PASSED by the Council of the City of Wenatchee at a regular meeting held this 23rd day of July, 2009.

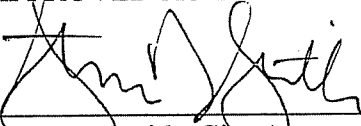
CITY OF WENATCHEE, WASHINGTON

By 
Dennis Johnson, Mayor

ATTEST:


Brenda Guske, Interim City Clerk

APPROVED AS TO FORM:


Steve D. Smith, City Attorney

CERTIFICATE

I, the undersigned, City Clerk of the City of Wenatchee, Washington (the "City"), and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. 2009-22 of the Council (the "Ordinance"), duly passed at a regular meeting thereof held on the 23rd day of July, 2009.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of said Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of July, 2009.

Brenda Guske
Brenda Guske, Interim City Clerk

OFFICIAL BALLOT

CITY OF WENATCHEE

November 3, 2009

INSTRUCTION TO VOTERS: To vote in favor of the following proposition, place a cross (X) in the square opposite the word "YES"; to vote against the following proposition, place a cross (X) in the square opposite the word "NO."

CITY OF WENATCHEE

PROPOSITION NO. 1

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Yes?..... ☐

No?..... ☐

NOTICE OF SPECIAL ELECTION

November 3, 2009

NOTICE IS HEREBY GIVEN that on Tuesday, November 3, 2009, a special election will be held in the above-named city for the submission to the qualified electors of said city of the following proposition:

CITY OF WENATCHEE

PROPOSITION NO. 1

WENATCHEE FIRE FACILITIES BONDS - \$11,745,000

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Yes?..... ☐

No?..... ☐

Chelan County Auditor